

1 HB305
2 148928-1
3 By Representatives Williams (P), Mask, Patterson, Faust,
4 Brown, Drake, Fincher, Ball, McMillan, Hill, McCutcheon,
5 Sanderford, Greer, Johnson (W), Farley, Rich and Gaston
6 RFD: Judiciary
7 First Read: 19-FEB-13

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8 SYNOPSIS: Under existing law, a defendant charged with
9 a crime committed during his or her minority which
10 involves moral turpitude or is a felony is required
11 to be investigated and examined by the court to
12 determine if he or she should be granted youthful
13 offender status.

14 This bill would provide that the Youthful
15 Offender Act would not apply to minors charged with
16 a Class A felony.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To amend Section 15-19-1 of the Code of Alabama
23 1975, as amended by Act 2012-465, relating to a person charged
24 with crimes committed in his or her minority who are eligible
25 to be considered by the court for youthful offender status, to
26 provide that the law would not apply if the defendant is
27 charged with a Class A felony.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 15-19-1, Code of Alabama 1975, as
3 amended, is amended to read as follows:

4 "§15-19-1.

5 "(a) A person charged with a crime except a crime
6 which is a Class A felony offense which was committed in his
7 or her minority but was not disposed of in juvenile court and
8 which involves moral turpitude or is subject to a sentence of
9 commitment for one year or more shall, and, if charged with a
10 lesser crime may be investigated and examined by the court to
11 determine whether he or she should be tried as a youthful
12 offender, provided he or she consents to such examination and
13 to trial without a jury where trial by jury would otherwise be
14 available to the defendant. If the defendant consents and the
15 court so decides, no further action shall be taken on the
16 indictment or information unless otherwise ordered by the
17 court as provided in subsection (b).

18 "(b) After such investigation and examination, the
19 court, in its discretion, may direct that the defendant be
20 arraigned as a youthful offender, and no further action shall
21 be taken on the indictment or information; or the court may
22 decide that the defendant shall not be arraigned as a youthful
23 offender, whereupon the indictment or information shall be
24 deemed filed.

25 "(c) In addition to the provisions of subsections
26 (a) and (b), when the defendant is charged with a crime that
27 contains as an element of the crime or an allegation related

1 to the charge that the defendant intentionally inflicted
2 serious physical injury or intentionally killed the victim in
3 the commission of the crime, prior to conducting a hearing or
4 examination on whether the defendant will be arraigned as a
5 youthful offender, the victim shall receive notice 10 days
6 prior to the hearing pursuant to the provisions of the Crime
7 Victims' Rights Act. In addition, the court shall conduct an
8 evidentiary hearing on the allegations of the crime and the
9 extent of injuries of the victim and shall consider the
10 evidence prior to determining youthful offender status. The
11 failure to provide a right, privilege, or notice to a victim
12 under this subsection shall not be grounds for the defendant
13 or victim to seek to have the disposition of the case set
14 aside."

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.